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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,907	03/29/2001	Sam Mohan	CISCP695	9030

26541 7590 03/15/2007
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EXAMINER

MATTIS, JASON E

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/822,907

Applicant(s)

MOHAN, SAM

Examiner

Jason E. Mattis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7-13 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 7-13, and 16-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the Amendment filed 12/18/06. New claims 24 and 25 have been added. Claims 1, 3, 4, 7-13, and 16-25 are currently pending in the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3, 4, 7-10, 16-17, and 22-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding independent claim 1, this claim is non-statutory since it includes a process that is entirely performed within software and is not tangibly embodied. The claim includes steps of processing at a network management system; however, the network management system as currently claimed is entirely a software program. It is recommended that the claim be amended such that it is clear that the processing step is performed at a network management station including the network management system. Thus the claim would include a hardware component (the network management station) that executes processing involving the software component (the network management system).

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Regarding independent claim 9, this claim is non-statutory since it does not provide a tangible result. While claim 9 does disclose that the network management system is executed by a processor and thus does include software that is executed by a hardware component, claim 9 does not execute the stored code to produce any tangible result. It is recommended that claim 9 be amended such that the steps of sending a polling message to at least one node, receiving a polling response from the node, and updating a status of the node are included such that the claimed code is executed to produce a tangible result (updating the status of the node).

Regarding independent claim 10, this claim is non-statutory since it includes a process that is entirely performed within software and is not tangibly embodied and is also non-statutory since it does not provide a tangible result. It is recommended that this claim be amended such that it is clear that the means for processing, means for adding a copy, and means for advancing are a hardware type means or a software type means executed by a hardware type means. It is also recommended that this claim be amended such that the steps of sending a polling message to at least one node, receiving a polling response from the node, and updating a status of the node are included such that the claimed steps are executed to produce a tangible result (updating the status of the node).

Regarding independent claim 16, this claim is non-statutory since it does not provide a tangible result. While claim 16 does disclose that the network management system is executed by a processor and thus does include software that is executed by a hardware component, claim 16 does not execute the stored code to produce any

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tangible result. It is recommended that claim 16 be amended such that the steps of receiving a polling response from the node and updating a status of the node are included such that the claimed code is executed to produce a tangible result (updating the status of the node).

Regarding independent claim 17, this claim is non-statutory since it includes a process that is entirely performed within software and is not tangibly embodied and is also non-statutory since it does not provide a tangible result. It is recommended that this claim be amended such that it is clear that the means for receiving, the means for processing, and means for advancing are a hardware type means or a software type means executed by a hardware type means. It is also recommended that this claim be amended such that the steps of receiving a polling response from the node and updating a status of the node are included such that the claimed steps are executed to produce a tangible result (updating the status of the node).

Dependent claims 3, 4, 7, 8, and 22-25 are rejected since they each depend on a rejected independent claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 11 recites the limitation "the network management station" in line 4. There is insufficient antecedent basis for this limitation in the claim. It is recommended that

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the claim be amended such that it is clear that the claimed network management system is executed by a network management station.

Claims 12, 13, and 18-21 are rejected since they depend on claim 11.

Allowable Subject Matter

5. Each of claims 1, 3, 4, 7-13, and 16-25 would be allowable if they were amended to overcome the above rejections under 35 U.S.C. 101 and 35 U.S.C. 112.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jem

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal stroke extending to the right.

HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600